THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7449 OF 2007

DATED 12.04.2007

BETWEEN

Yennamreddy Nagi Reddy

… Petitioner

AND

The District Collector, Visakhapatnam District, Visakhapatnam and others.

… Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7449 OF 2007

ORDER:

The petitioner is allegedly owner of agricultural land admeasuring Acs.18/16, 78/4, 80/2, 80/4, 80/5, 80/5C, 4A, 1A, 3B, 6A and 6C situated at Kumarapuram Village, Payakaraopet Mandal in Visakhapatnam District. H e statedly dug a borewell in survey Nos.85/1A allegedly belonging to him. The owner of land on the

Eastern side of the petitioner's borewell, Smt.Yennamreddy Mangayamma appears to have sold her land in survey Nos.85/1B, 3A and 4B to Rajagopalapuram Gram Panchayat. The said Gram Panchayat proposed to dig a borewell. The petitioner alleges that the point where the borewell is dug is within the distance of 250 meters from the borewell dug by the petitioner in survey No.85/1A, which is prohibited by A.P.Ground Water (Regulation for Drinking Water Purposes) Act, 1996 (hereafter called, the Ground Water Act). Therefore, he filed the writ petition seeking a writ of Mandamus directing the respondents not to dig borewell in survey No.85/1B of Rajagopalapuram village.

Learned counsel for the petitioner submits that digging a borewell within a distance of 250 meters from the existing borewell is prohibited under the Ground Water Act. He further submits that while digging a borewell near his borewell, no notice was issued to him nor he was given any opportunity. Therefore, the action of the respondents is illegal.

A.P.Legislature has enacted A.P.Water, Land and Trees Act, 2002, (the Act, for brevity) which has repealed the Ground Water Act. Reliance placed on Ground Water Act by the learned counsel is therefore misconceived. Secondly, when the Gram Panchayat takes up digging a borewell for the benefit of the villagers for drinking purposes, the petitioner cannot have any grievance for the same. Even otherwise, if the petitioner has any grievance about the action of the Gram Panchayat in digging borewell in survey No.85/1B, it is always open to the petitioner to approach the District Collector, who is constituted appellate authority under Section 33 of the Act and Rule 27 of the A.P.Water, Land and Trees Rules, 2002.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

12.04.2007.
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